Criminal Misc. Appl. No. 826 of 2006
Hon. Prafulla, C. Pant, J.

Heard Shri Jagdish Prasad, learned counsel for the petitioners.

By means of this petition, the petitioners have sought quashing of order dated 16.10.2006, passed by Session Judge, Udham Singh Nagar in Session Trial No. 232 of 2004 State Vs. Rais Satna, summoning the petitioners under Section 319 of Code of Criminal Procedure, 1973.

The impugned order shows that the same was passed in compliance of this Court's order dated 27.09.2006, in criminal misc. application No. 766 of 2006. The impugned order discloses that learned trial court after going thought the evidence, adduced by the witnesses who named the petitioners also with the accused facing trial, were directed to be summoned under section 319 Cr. P.C. It is not for the first time that the name of the petitioners came in statements of the witnesses, rather their names figured in the First Information Report itself. It is factual satisfaction of the court concerned and the court has passed the impugned order after being satisfied on the basis of the evidence on record.

In the circumstances, this Court is not inclined to interfere with the impugned order dated 16.10.2006, passed by the trial court.

The petition under Section 482 Cr. P.C. is dismissed in limine. (All pending application in this case stands disposed of).

(P. C. Pant, J.)

Dt. 31.10.2006
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